

COURT OF APPEALS

THIRD DISTRICT OF TEXAS

P.O. BOX 12547, AUSTIN, TEXAS 78711-2547 www.txcourts.gov/3rdcoa.aspx (512) 463-1733

DARLENE BYRNE, CHIEF JUSTICE MELISSA GOODWIN, JUSTICE THOMAS J. BAKER, JUSTICE GISELA D. TRIANA, JUSTICE CHARI L. KELLY, JUSTICE EDWARD SMITH, JUSTICE JEFFREY D. KYLE, CLERK

April 15, 2021

Mr. William S. Helfand Lewis Brisbois Bisgaard & Smith LLP 24 Greenway Plaza, Suite 1400 Houston, TX 77046-2410 * DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-21-00161-CV

Trial Court Case Number: D-1-GN-20-006861

Style: Office of the Attorney General of Texas

v. James Blake Brickman, J. Marl Penley, David Maxwell, and Ryan M. Vassar

Dear Mr. Helfand:

The Clerk of this Court filed appellant's notice of appeal on Friday, April 2, 2021. The clerk's record was due in this Court on Monday, April 12, 2021 and is overdue. The Court received notice from the district/county clerk indicating appellant has neither paid, nor made arrangements for payment, for the clerk's record. Accordingly, the clerk's record will not be timely filed.

Therefore, on or before Monday, April 26, 2021, appellant shall provide this Court either:

- written verification that payment has been made to the district/county clerk for the clerk's record;
- written verification that payment arrangements have been made to pay the district/county clerk for the clerk's record; or
- written documentation that appellant is presumed to be entitled to proceed without payment of costs. *See* Tex. R. Civ. P. 145; Tex. R. App. P. 20. 1.

If the Court does not receive the required documentation within the time specified, the Court may dismiss the appeal for want of prosecution. *See* Tex. R. App. P. 37.3(b).

If a reporter's record is necessary to the appeal and it has not already been requested, appellant should make a written request to the court reporter and make arrangements for payment of the record. *See* Tex. R. App. P. 34.1 and 34.6(b)1.

Very truly yours,

JEFFREY D. KYLE, CLERK

BY: Courtland Crocker

Courtland Crocker, Deputy Clerk

cc: Mr. Joseph R. Knight

Mr. Carlos R. Soltero Mr. Don A. Tittle Jr. Mr. Thomas A. Nesbitt